

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0548

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

RICHARD KNOX,

Defendant and Appellant.

MOTION TO WITHDRAW AS COUNSEL OF RECORD

COMES NOW, Eileen A. Larkin, counsel of record for Defendant and Appellant, and respectfully requests an order from this Court allowing her to withdraw as counsel of record in the above entitled matter. Counsel has determined that an appeal would be frivolous or wholly without merit after reviewing the entire record and researching applicable statutes, case law, and rules. The Defendant/Appellant has been advised of counsel's decision and of his right to file a response to this motion. Counsel will send the file and transcripts in the matter to the Defendant/Appellant at his written request so that he can file an appropriate response to this motion.

A brief in support of this motion has been filed simultaneously with this motion.

Opposing counsel has been contacted regarding this motion and does not object.

Respectfully submitted this 11th day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: Eileen A Larkin
EILEEN A. LARKIN
Assistant Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion to Withdraw as Counsel of Record to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

ED CORRIGAN
Flathead County Attorney
Justice Center
P.O. Box 1516
Kalispell, MT 59903-1516

RICHARD KNOX 45591
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

6/11/2010

